

RAWLE & HENDERSON, LLP  
 BY: EDWARD C. MINTZER, JR., ESQUIRE  
 DELIA CLARK, ESQUIRE  
 IDENTIFICATION NOS.: 30300/54657  
 THE WIDENER BUILDING  
 SOUTH PENN SQUARE  
 PHILADELPHIA, PA 19106  
 (215) 575-4200

ATTORNEYS FOR DEFENDANTS,  
 AIR BASE CARPET MART, INC.  
 d/b/a AIR BASE DISTRIBUTING,  
 INC. d/b/a AIR BASE CARPET MART,  
 RICHARD LONGWILL, and  
 BARBARA LONGWILL

JAMES H. GORBEY, JR., Administrator of  
 the ESTATE OF MARISSA ROSE  
 FISHMAN, deceased

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

v.

MARCH TERM, 2004

RICHARD LONGWILL,  
 and  
 BARBARA LONGWILL,  
 and  
 AIR BASE CARPET MART, INC.  
 D/B/A AIR BASE DISTRIBUTING,  
 INC. D/B/A AIR BASE CARPET MART  
 and  
 TERESA GARCIA ZAVALA

NO. 3776

AFFIDAVIT

Arnold W. Frey, being duly sworn according to law depose and states as follows:

1. I am the Vice President of Air Base Carpet Mart, Inc. and have held this position for approximately ten years. I have worked for Air Base Carpet Mart, Inc. since 1972 in a number of positions. As such, I am authorized to execute this Affidavit on behalf of Air Base Carpet Mart, Inc.

2. In my capacity as Vice President, I handle the multiple and extensive financial activities of Air Base carpet Mart, Inc.

3. Air Base Carpet Mart, Inc. is a Delaware corporation with its principal place of business and only store located at 230 N. DuPont Highway in New Castle, Delaware.

4. Air Base Distributing, Inc. is an individual and separate Delaware corporation which has one store location in Dover, Delaware.

5. Air Base Carpet Mart, Inc. does not operate under the name of Air Base Distributing, Inc.

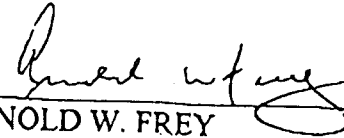
6. Neither Air Base Distributing, Inc. nor Air Base Carpet Mart, Inc. have a place of business in Philadelphia County, Pennsylvania.

7. Air Base carpet Mart, Inc. conducts no business in Pennsylvania including the County of Philadelphia.
8. Air Base Carpet Mart, Inc. is in the business of selling a variety of floor products and wall coverings (except paint).
9. Air Base Carpet Mart, Inc. has never employed Teresa Zavala Garcia and does not employ any "nanny."
10. Air Base Carpet Mart, Inc. has never filed tax returns in the Commonwealth of Pennsylvania and holds no business license in any town, city, township or county of Pennsylvania.
11. Air Base Carpet Mart, Inc. employs no workmen as installers or measurers.
12. Air Base Carpet Mart, Inc. makes no deliveries to customers in Pennsylvania.
13. Air Base Carpet Mart, Inc. is a separate corporate and business entity from Lomax Home Center, Inc., Yorketown Carpet, Inc., Reading Carpet Factory Outlet, Inc. and Lancaster Carpet Mart, Inc.
14. Allentown Carpet and Wallpaper Outlet, Inc. is no longer in business is no longer operating under that name and merged into Yorketownc.
15. Lomax Home Center, Inc. is a Delaware corporation operating in Philadelphia and duly authorized to conduct business in the Commonwealth of Pennsylvania.
16. Reading and Yorketowne are Pennsylvania corporations. Lancaster is another Delaware corporation.
17. Each company has a separate payroll, inventory, sales staff, management and accounts. Any service or product supplied by Air Base Carpet Mart, Inc. is paid for by the recipient of the service or product.
18. Air Base Carpet Mart, Inc. owns no property in Pennsylvania and has no financial accounts in Pennsylvania.
19. Air Base Carpet Mart, Inc. has never done business as Air Base Distributing, Inc.
20. Mrs. Barbara Longwill was not a corporate officer of Air Base Carpet Mart, Inc. in August of 2002 or at anytime since.
21. Mrs. Barbara Longwill had no supervisory or management responsibilities over employees of Air base Carpet Mart, Inc.
22. Mr. Richard Longwill in August of 2002 to the present had/has no supervisory or management responsibilities over Air Base Carpet Mart, Inc. employees.
23. Air Base Carpet Mart, Inc. does not employ Anthony Rizzo or Salvador Brito-Ortiz.

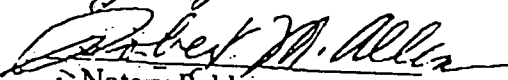
24. I believe at the time of the accident, work was being performed by independent contractors on the outside patio.

25. Air Base Carpet Mart, Inc. did not sell or supply the tile or materials being installed by these independent contractors on August 30, 2002.

I have read the foregoing statements and certify same to be true and correct to the best of my knowledge and belief.

  
ARNOLD W. FREY

Sworn to and subscribed  
before me, this 01 day  
of July, 2004

  
Notary Public